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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/772,833	02/05/2004	Mitchell Friedman	45422.17.1

CONFIRMATION NO. 6022

22859
 INTELLECTUAL PROPERTY GROUP
 FREDRIKSON & BYRON, P.A.
 4000 PILLSBURY CENTER
 200 SOUTH SIXTH STREET
 MINNEAPOLIS, MN 55402

FORMALITIES LETTER



OC000000012537078

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

65.00 OP
 00000043 10772833
 08/10/2004 WASHAW1
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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

John
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 45422.17.1

Friedman et al.

Customer No.: 022859

Application No.: 10/772,833

Confirmation No.: 6022

Filed: February 5, 2004

Group Art Unit: 3743

For: AUTOMATED BREATH COLLECTION DEVICE

RESPONSE TO NOTICE TO FILE MISSING PARTS
UNDER 37 CFR 1.53(b)

Mail Stop MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted (copy attached) mailed May 5, 2004 submitted herewith is the Declaration and a petition for a one-month extension of time. Applicants are entitled to small entity status in accordance with 37 CFR 1.27; therefore, a check in the amount of \$65.00 is enclosed to cover the surcharge for late oath or declaration and a check in the amount of \$55.00 is enclosed to cover the fee for the petition for an one-month extension of time.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notice to File Missing Parts. Accordingly, examination and allowance of this application in due course are respectfully solicited.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1910.

Respectfully submitted,

Mary P. Bauman
Mary P. Bauman
Registration No. 31,926

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Minneapolis, MN 55402-1425 USA
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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

8-4-04

Date of Deposit

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Teresa Schmertman
Teresa Schmertman



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APPL NO	FILING OR 371 (C) DATE	ART UNIT	FIL FEE RECD	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/772,833	02/05/2004	3743	622	45422.17 1	6	32	6

CONFIRMATION NO. 6022

22859
INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
4000 PILLSBURY CENTER
200 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

FILING RECEIPT



OC000000012537077

Date Mailed: 05/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mitchell Friedman, Residence Not Provided;
Peter Klein, Residence Not Provided;

Domestic Priority data as claimed by applicant**Foreign Applications**

Required, Foreign Filing License Granted: 05/05/2004

~~Projected Publication Date: To Be Determined - pending completion of Missing Parts~~

Non-Publication Request: No

Early Publication Request: No

~~*SMALL ENTITY*~~

~~Title~~

Automated breath collection device

Preliminary Class

128

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U S C 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).